

ORDINANCE NO. 2006 -025

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **FUTURE LAND USE ELEMENT** (TO RECOGNIZE APPROVED AIRPORT MASTER PLANS AND ADDITIONAL USES ON AIRPORT PROPERTIES); **TRANSPORTATION ELEMENT** (TO TEMPORARILY DESIGNATE A SEGMENT OF **CONGRESS AVENUE** AS A CONSTRAINED ROADWAY AT LOWER LEVEL OF SERVICE (CRALLS) FACILITY FROM LANTANA ROAD TO 6TH AVENUE SOUTH EXCLUSIVELY FOR THE PURPOSES OF CONCURRENCY FOR THOSE PROPERTIES CURRENTLY CONDITIONED TO THE WIDENING OF CONGRESS AVENUE; TO PERMANENTLY DESIGNATE SOME SEGMENTS AND INTERSECTIONS IN THE VICINITY OF **LANTANA ROAD** AND **CONGRESS AVENUE** AS A CONSTRAINED ROADWAY AT LOWER LEVEL OF SERVICE (CRALLS) FACILITIES EXCLUSIVELY FOR THE PURPOSES OF CONCURRENCY FOR LANTANA AIRPORT); THE **MAP SERIES** (TO MODIFY MAP TE 15.1, TRAFFIC CONCURRENCY EXCEPTION AREAS (TCEAS) AND CONSTRAINED ROADWAY AT LOWER LEVEL OF SERVICE (CRALLS) MAP TO IDENTIFY A SEGMENT OF **CONGRESS AVENUE** AS A CRALLS FACILITY FROM LANTANA ROAD TO 6TH AVENUE SOUTH EXCLUSIVELY FOR THE PURPOSES OF CONCURRENCY FOR THOSE PROPERTIES CURRENTLY CONDITIONED TO THE WIDENING OF CONGRESS AVENUE AND TO IDENTIFY SOME SEGMENTS AND INTERSECTIONS AS A CRALLS FACILITY IN THE VICINITY OF **LANTANA ROAD** AND **CONGRESS AVENUE** EXCLUSIVELY FOR THE PURPOSES OF CONCURRENCY FOR LANTANA AIRPORT); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 10, 24 and March 24, 2006 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

1 **WHEREAS**, the Palm Beach County Board of County Commissioners, as
2 the governing body of Palm Beach County, conducted a public hearing
3 pursuant to Chapter 163, Part II, Florida Statutes, on April 5, 2006
4 to review the recommendations of the Local Planning Agency, whereupon
5 the Board of County Commissioners authorized transmittal of proposed
6 amendments to the Department of Community Affairs for review and
7 comment pursuant to Chapter 163, Part II, Florida Statutes; and

8 **WHEREAS**, Palm Beach County received the Department of Community
9 Affairs "Objections, Recommendations, and Comments Report," dated June
10 23, 2006 which was the Department's written review of the proposed
11 Comprehensive Plan amendments; and

12 **WHEREAS**, on August 21, 2006 the Palm Beach County Board of County
13 Commissioners held a public hearing to review the written comments
14 submitted by the Department of Community Affairs and to consider
15 adoption of the amendments; and

16 **WHEREAS**, the Palm Beach County Board of County Commissioners has
17 determined that the amendments as modified satisfy the concerns
18 addressed in the Department of Community Affairs' "Objections,
19 Recommendations and Comments Report" and comply with all requirements
20 of the Local Government Comprehensive Planning and Land Development
21 Regulations Act.

22 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
23 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

24 **Part I. Amendments to the 1989 Comprehensive Plan**

25 Amendments to the text of the following Elements of the 1989
26 Comprehensive Plan are hereby adopted and attached to this Ordinance
27 in Exhibit 1:

28 **A. Future Land Use Element**, to recognize approved airport
29 master plans and additional uses on airport properties, and

30 **B. Transportation Element**, to temporarily designate a segment
31 of Congress Avenue as a Constrained Roadway at Lower Level
32 of Service (CRALLS) facility from Lantana Road to 6th Avenue
33 South exclusively for the purposes of concurrency for those
34 properties currently conditioned to the widening of
35 Congress Avenue; to permanently designate some segments and

1 intersections in the vicinity of Lantana Road and Congress
2 Avenue as a Constrained Roadway at Lower Level of Service
3 (CRALLS) facilities exclusively for the purposes of
4 concurrency for Lantana Airport; and

5 **C. Map Series,** to modify Map TE 15.1, Traffic Concurrency
6 Exception Areas (TCEAS) and Constrained Roadway at Lower
7 Level of Service (CRALLS) Map to identify a segment of
8 Congress Avenue as a Constrained Roadway at Lower Level of
9 Service (CRALLS) facility from Lantana Road to 6th Avenue
10 South exclusively for the purposes of concurrency for those
11 properties currently conditioned to the widening of
12 Congress Avenue; to permanently designate some segments and
13 intersections in the vicinity of Lantana Road and Congress
14 Avenue as a Constrained Roadway at Lower Level of Service
15 (CRALLS) facilities exclusively for the purposes of
16 concurrency for Lantana Airport.

17 **Part II. Repeal of Laws in Conflict**

18 All local laws and ordinances applying to the unincorporated area
19 of Palm Beach County in conflict with any provision of this ordinance
20 are hereby repealed to the extent of such conflict.

21 **Part III. Severability**

22 If any section, paragraph, sentence, clause, phrase, or word of
23 this Ordinance is for any reason held by the Court to be
24 unconstitutional, inoperative or void, such holding shall not affect
25 the remainder of this Ordinance.

26
27 **Part IV. Inclusion in the 1989 Comprehensive Plan**

28 The provision of this Ordinance shall become and be made a part
29 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
30 Ordinance may be renumbered or relettered to accomplish such, and the
31 word "ordinance" may be changed to "section," "article," or any other
32 appropriate word.

33 **Part V. Effective Date**

34 The effective date of this plan amendment shall be the date a
35 final order is issued by the Department of Community Affairs or

1 Administration Commission finding the amendment in compliance in
2 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
3 applicable. No development orders, development permits, or land uses
4 dependent on this amendment may be issued or commence before it has
5 become effective. If a final order of noncompliance is issued by the
6 Administration Commission, this amendment may nevertheless be made
7 effective by adoption of a resolution affirming its effective status,
8 a copy of which resolution shall be sent to the Florida Department of
9 Community Affairs, Division of Community Planning, Plan Processing
10 Team. An adopted amendment whose effective date is delayed by law
11 shall be considered part of the adopted plan until determined to be
12 not in compliance by final order of the Administration Commission.
13 Then, it shall no longer be part of the adopted plan unless the local
14 government adopts a resolution affirming its effectiveness in the
15 manner provided by law.

16 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm
17 Beach County, on the 21st day of August, 2006.

18 ATTEST: PALM BEACH COUNTY, FLORIDA,
19 SHARON R. BOCK, CLERK BY ITS BOARD OF COUNTY COMMISSIONERS

20 By: Judith Bock By: John (Jeff) Koon
21 Deputy Clerk Tony Masilotti, Chairman
22
23

24 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
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26

27 [Signature]
28 COUNTY ATTORNEY
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31 Filed with the Department of State on the 29th day of
32 August, 2006.
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EXHIBIT 1

A. Future Land Use Element

REVISIONS: To add language to the text of the Utilities/Transportation Designation in the Future Land Use Element of the Comprehensive Plan to recognize approved Airport Master Plans and additional uses on Airport Properties. The added text is shown in underlined.

8. Transportation and Utilities Facilities (U/T)

Transportation Uses. Transportation uses include streets and other transportation corridors, expressways, interchanges, public and private airports and landing strips, ports, and railroad facilities. Airports and related facilities include, but are not limited to, airport and aircraft operations and maintenance facilities, cargo distribution terminals, car rental operations, warehouses, hotels, and office. County owned or operated airports may include additional allowable uses, provided such uses are included in ULDC Article 3, Airport Zoning Overlay (AZO) and on the Airport Master Plans.

Utility Uses. Utility Facilities include a full range of utility uses such as water and sewage treatment plants, solid waste transfer stations and facilities, and electrical transmission facilities, towers, sub-stations and power plants.

Communication Facilities include such facilities as television and radio station, towers and relay structures and telephone facilities.

B. **Transportation Element**, Congress Avenue from Lantana Road to Melaleuca Lane and Congress Avenue at Lantana Road and Congress Avenue at Melaleuca Lane as Constrained Roadways at Lower Levels of Service (CRALLS)

REVISIONS: To add language in Policy 1.2-f designating the roadway link of Congress Avenue from Melaleuca Lane to Lantana Road and intersections of Congress Avenue at Melaleuca Lane and Congress Avenue at Lantana Road as CRALLS facilities. The added text is shown in underlined.

REVISED Policy 1.2-f: The Palm Beach County Board of County Commissioners finds the following facilities are constrained facilities and development orders shall be evaluated using the specific level of service standards identified herein instead of the Policy 1.1-b general level of service standards. *(Unchanged text omitted for brevity).*

- 37) The following roadway segment is hereby designated as a temporary CRALLS facility exclusively for the purposes of developments conditioned on widening of Congress Avenue.
- a. Congress Avenue from Lantana Rd to Melaleuca Lane as a 4 lane divided facility
- | | |
|--|-------------------------------|
| <u>A.M. Two-Way Peak Hour Standard</u> | <u>4175 vehicles per hour</u> |
| <u>P.M. Two-Way Peak Hour Standard</u> | <u>4256 vehicles per hour</u> |

CRALLS Mitigation Measures to be implemented in conjunction with this CRALLS include the following:

1. The County will move forward with the construction of the six (6) lane widening of Congress Avenue from Lantana Road to Melaleuca Lane.
This CRALLS shall no longer be in effect after December 31, 2008 or at the commencement of construction of 6 lanes on Congress Avenue between Lantana Road and Melaleuca Lane, whichever comes first.

- 38) The following roadway segment and intersections are hereby designated as CRALLS facilities exclusively for the purposes of concurrency for the Lantana Airport properties:
- a. Congress Avenue from Lantana Rd to Melaleuca Lane as a 6 lane divided facility
- | | |
|--|-------------------------------|
| <u>A.M. Two-Way Peak Hour Standard</u> | <u>5241 vehicles per hour</u> |
| <u>P.M. Two-Way Peak Hour Standard</u> | <u>5384 vehicles per hour</u> |
- b. Congress Avenue and Lantana Road
- | |
|---|
| <u>A.M. Peak Hour Critical Sum: 1605 Critical Sum</u> |
| <u>P.M. Peak Hour Critical Sum: 1700 Critical Sum</u> |

- c. Congress Avenue and Melaleuca Lane
A.M. Peak Hour Critical Sum: 1695 Critical Sum
P.M. Peak Hour Critical Sum: 1832 Critical Sum

CRALLS Mitigation Measures to be implemented in conjunction with this CRALLS include the following:

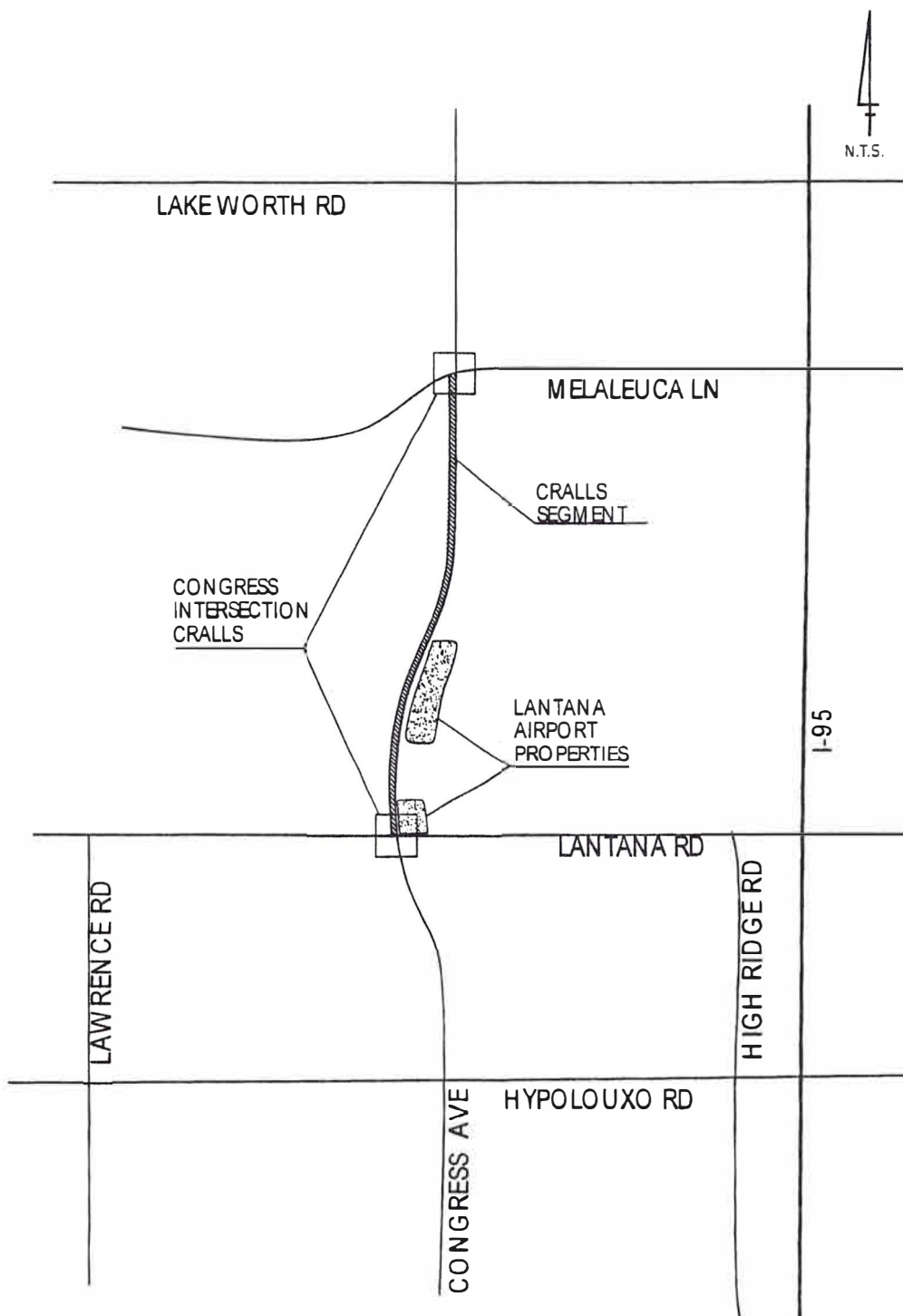
- 1) The proposed project shall develop at a reduction of 40% or greater from its approved Comprehensive Plan intensity (not to exceed 400,000 square feet).
- 2) The proposed project shall provide an additional contribution to help cover some of the funding shortfall for the various transportation related improvements, at 0.5 times the applicable impact fee to be used towards off-site roadway improvements.
- 3) The project shall coordinate with Palm Tran to provide enhanced bus stops and shelters along the sites' Congress Avenue frontage.
- 4) The project shall provide an on-going ride-sharing information service to persons employed by the project.
- 5) The project shall dedicate right-of way required at the intersection of Congress Avenue and Lantana Road.
- 6) The project shall improve the two traffic signals along the sites' Congress Avenue frontage with improved pedestrian features.
- 7) The proposed project shall provide an integrated pedestrian system connecting the buildings to each other, the public sidewalk and the Palm Tran bus stops.

- C. **Map Series**, Update Map TE 15.1 to include Congress Avenue from Lantana Road to Melaleuca Lane as a Constrained Roadways at Lower Levels of Service (CRALLS)

MAP OF PROPOSED CRALLS SEGMENTS AND INTERSECTIONS

CRALLS designation for the following segment and intersections:

- Congress Avenue from Lantana Road to Melaleuca Lane
- Congress Avenue at Lantana Road
- Congress Avenue at Melaleuca Lane



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOOK, Clerk & Comptroller County
this to be a true and correct copy of the original
filed in my office on **AUG 21 2006**

Filed in my office on Feb 22 1962
 at West Palm Beach, FL
 By Judith C. Smith
 Deputy Clerk

CLERK OF DISTRICT COURT
 PALM BEACH COUNTY
 FLORIDA